

22045

UTILITY PATENT APPLICATION TRANSMITTAL

Address to: Mail Stop 313(c) Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	94-045-TAX (STK 94045 PUSX)
	Inventor(s) or Appln. Identifier	Michael L. Leonhardt, Stephen H. Blendermann, Alan P. Sutton and Charles A. Milligan

MAR 10 2004

OFFICE OF PETITIONS

1. This application entitled Outboard Data Storage Management System and Method is:
- a. A new application under 37 C.F.R. § 1.53(b).
- b. x A x continuation divisional or continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/878,696 filed on June 11, 2001, entitled Outboard Data Storage Management System and Method.
- c. A new utility application which claims the benefit of provisional application Serial No. , filed on .

Application elements and other attached papers:

2. x Specification (including Claims and Abstract) [Total Pages 34]
3. x Drawings (informal / x formal) [Total Sheets 1]
4. x Oath or Declaration
- a. Newly-executed
- b. x Copy from a prior application (37 C.F.R. § 1.63(d))
5. Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
- _____
- _____
- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express

Mail Label No. EV 141499549 USJody Richmond

(Type or print name of person mailing paper)

Date of Deposit: March 10, 2004

(Signature of person mailing paper)

7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee.
- c. ☐ Please amend the specification by inserting before the first line the following sentence:
- "This is a continuation of copending application(s) serial number 09/878,696 filed on June 11, 2001"
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. ☐ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	43 -20 =		x 18.00	414.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	3 -3 =		x 86.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			290.00	
BASIC FEE (37 C.F.R. § 1.16(a))				770.00
TOTAL OF ABOVE CALCULATIONS				1124.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				
TOTAL				1124.00

10. ☒ A check in the amount of \$1124.00 is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978:
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.